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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,011	08/16/2006	Klaus Hassdenteufel	016906-0476	2494

22428 7590 08/20/2008  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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DUONG, THO V

ART UNIT	PAPER NUMBER
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3744

MAIL DATE	DELIVERY MODE
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08/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,011	<b>Applicant(s)</b> HASSDENTEUFEL ET AL.	
	<b>Examiner</b> Tho v. Duong	<b>Art Unit</b> 3744	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 21-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25 is/are allowed.
- 6) ☒ Claim(s) 1-9, 21 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/10/08 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 4/10/08 have been fully considered but they are not persuasive. (See the rejection below).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,5-8,21 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Rawley et al. (GB 2373571A). Rawley discloses (figures 1-6 and figure A as shown below) a heat exchanger module as claimed. Rawley further discloses (figure 1) the header tanks comprises necks (inlet and outlet connections)and the module supports comprises cutouts which surround the necks; and the module supports comprises fastning openings (42) on their upper end faces. Regarding claim 6 and 26, Rawley discloses (figures 1-2) the longitudinal side faces of the

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header tanks project beyond the recessed end walls forming a latching surface or stop surface on the longitudinal wall of the header tank so that the hook arrangements engage with the latching surface or stop surface. Rawley further discloses (figure B shown bellow) that each module support (20) has a lower end wall, an upper end wall and a longitudinal wall connecting the upper and lower end walls, wherein the hooks are attached to one of the end wall respectively. Regarding claim 7, the method of forming the device is not germane to the issue of the patentability of the device itself. "Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). In this instant case, the heat resilient snap hook engaging with the stop face in the product-by-process claim is the same as or obvious from the resilient snap hook engaging with the stop faces of Rawlye, the claim is unpatentable even though the prior product was made by a different process.

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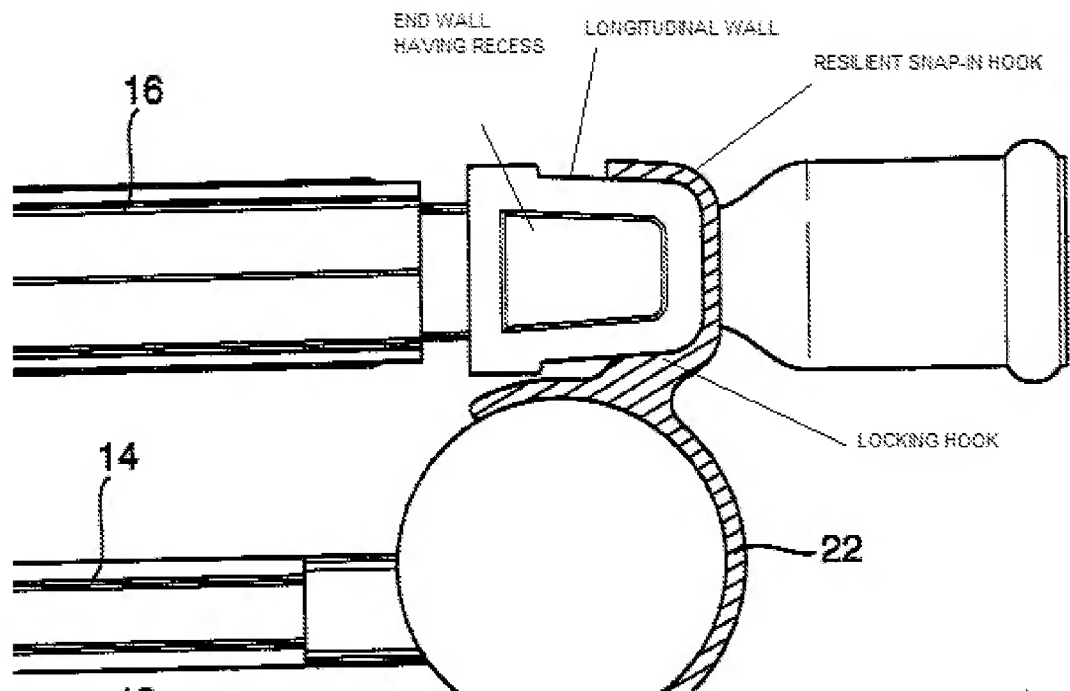


Figure A: The modified figure corresponds to figure 5 with limitations shown.

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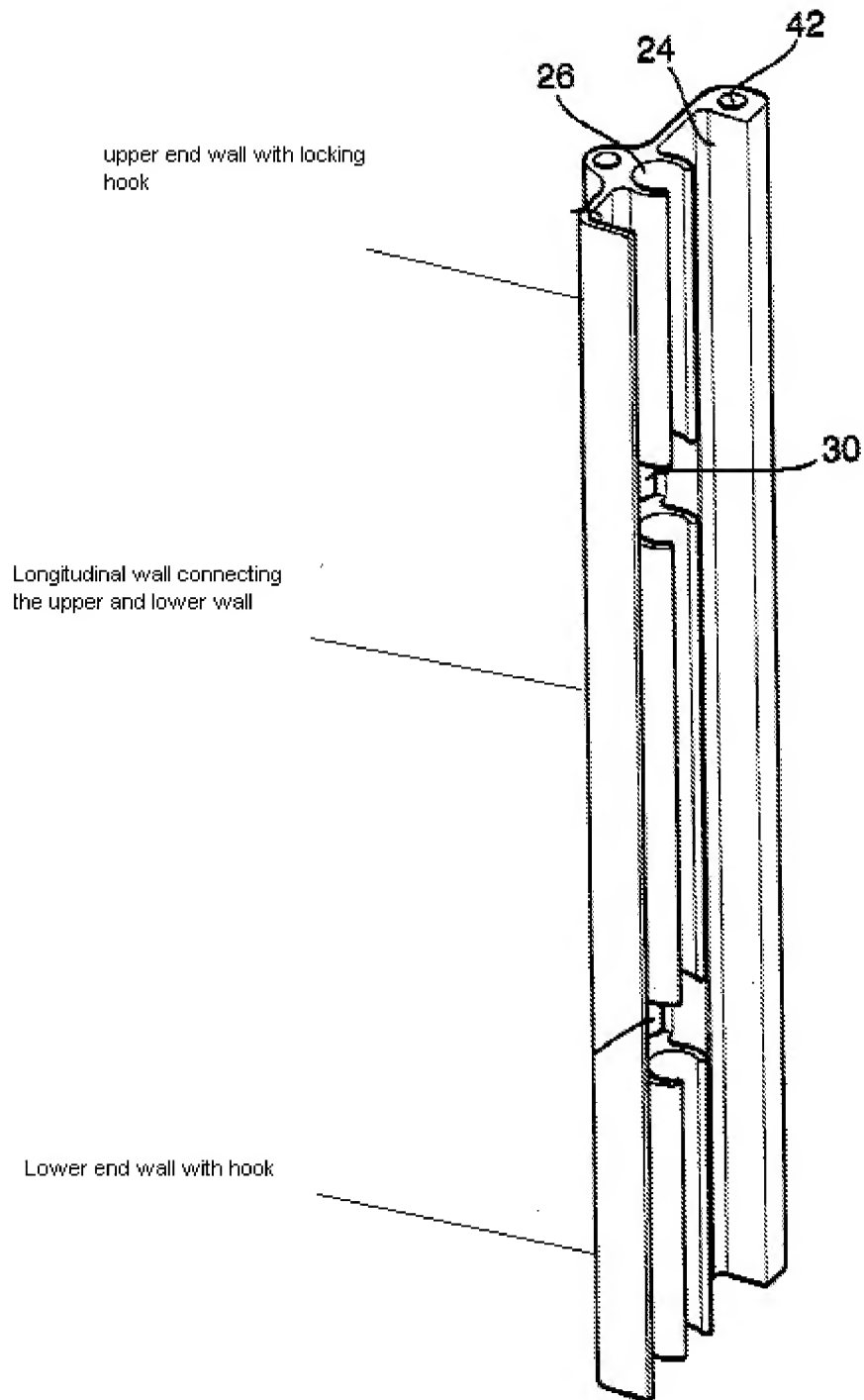


Figure B: The modified figure corresponding to figure 3 with limitation shown

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rawley in view of Laveran Jean Louis (FR 2833691). Rawley substantially discloses all of applicant's claimed invention as discussed above except for the limitation that the module supports comprise fastening pins on their lower end faces and fastening means on their longitudinal faces for receiving additional part. Laveran discloses (figures 2-3) pins (11a) can also formed on lower end faces of the module supports (9) for a purpose of mounting the heat exchanger assembly on a vehicle. Laveran also discloses fastening means (14a,14b) formed on longitudinal faces of the module supports for a purpose of fastening additional parts to heat supports. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Laveran's teaching in Rawley's device for a purpose of mounting the heat exchanger assembly on a vehicle and fastening additional parts to the heat supports.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rawley in view of Uchikawa et al. (US 2002/0023735A1). Rawley substantially discloses all of applicant's claimed invention as discussed above except for the limitation of the heat exchanger block brazed to a condenser. Uchikawa discloses (figure 1 and paragraph 34) that a heat exchanger assembly that has multiple heat exchanger cores, wherein the heat exchanger cores are brazed together for a purpose of effectively securing them together. It would have been obvious to one

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having ordinary skill in the art at the time the invention was made to use Uchikawa's teaching in Rawley's heat exchanger for a purpose of effectively securing the heat exchanger cores together.

*Allowable Subject Matter*

Claims 22-25 are allowed.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho v. Duong whose telephone number is 571-272-4793. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tyler J. Cheryl can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tho v Duong/  
Primary Examiner, Art Unit 3744



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